

HB 405 -- Museum Donations and Collections

Sponsor: Harris

This bill changes the laws regarding the management and maintenance of museum donations and collections. In its main provisions, the bill:

(1) Allows the State Auditor to audit any museum in the same manner in which he or she can audit any state agency and requires the State Auditor to audit in 2014, and whenever the Auditor deems it necessary thereafter, any museum district, subdistrict, and commission established under Sections 184.350 to 184.880, RSMo;

(2) Allows a lender or claimant to bring a civil action for damages for property injured or lost while on loan to a museum. Any party may demand a trial by jury. The court may grant relief as it deems appropriate that includes an injunction, temporary restraining order, or other order; may award the lender or claimant actual and punitive damages; and may award court costs and reasonable attorney fees to the prevailing lender or claimant. No action for damages can be brought against a museum because of loss or injury on property on loan to the museum more than two years from the date the museum gives the lender or claimant notice of the injury or loss or five years from the date that the injury or loss is capable of being ascertained by the lender or claimant, whichever occurs earlier. The provision is repealed which specifies that a museum is not liable, in the absence of a court order, for returning property to the original lender even if a claimant other than the lender has filed a notice of intent to preserve an interest in the property. These provisions cannot preempt or limit any other rights of action in law or equity that a lender or claimant may have against a museum;

(3) Requires a museum to maintain and retain records that include all documentation related to the accession and origin of each item in its possession or collection for as long as the item is in the possession of the museum and for a period of not less than 25 years thereafter. The museum must maintain a directory of these items that is accessible to the general public during regular business hours;

(4) Specifies that the act, use, or employment by any person of any deception, fraud, or similar action or the use of the fact that the Attorney General has approved any filing required as the approval, sanction, or endorsement of any activity in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds, property, financial assistance, or other thing of value, including the promise or grant

of any money or property of any kind or value, for any charitable purpose is declared to be an unlawful practice; and

(5) Revises the definition of "charitable organization" to include any person or museum who does business or holds property in this state for any charitable purposes and who engages in the activity of soliciting funds, donations, property, financial assistance, or other thing of value, including the promise or grant of any money or property of any kind or value for any charitable purpose and revises the definition of "charitable purpose" to include the operation of a museum as defined in Section 184.102.